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SIPDIS

NSC STAFF FOR POUNDS

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SUBJECT: EGYPT'S PRESIDENTIAL CAMPAIGN: UPDATE #5--FINAL
DAYS MARKED BY CONTROVERSY OVER SUPERVISION AND MONITORING
OF THE ELECTION

REF: CAIRO 6710 AND PREVIOUS

Classified by ECPO Minister Counselor Michael Corbin for
reasons 1.4 (b) and (d).

Summary

11. (C) The official campaign period for Egypt's first presidential election, which began on August 17, closed on September 4. The final few days witnessed a flurry of last minute campaigning by the leading candidates, as well as a growing storm of legal controversy. President Mubarak, Ayman Nour, No'man Gom'a, and the seven other candidates made their final pitches for votes. More controversially, the Judges Club decided on September 2 that its members would fulfill their constitutionally-required supervision of the poll, but with strong recommendations that the Presidential Election Commission (PEC) take several remedial actions (related to domestic monitors, vote counting procedures, and assignments of judges for election work) to ensure the election's integrity. In addition, the PEC said that it would refuse to follow a judicial order to permit access by domestic monitors to the polling stations--and the law appears to be on its side. These developments suggest that the outcome of the September 7 poll will be controversial. No one doubts that Mubarak will win, but how he will win--particularly if the judges or the monitors accuse his backers of resorting to fraud to boost either the turnout or his margin of victory--continues to be the question that matters the most as Egyptians go to the polls on September 7. End summary.

Mubarak's Finale: The Devil You Know

12. (C) Capping a week that saw him give his first press interview of the campaign, President Mubarak also gave an hour-long interview on State TV. Mubarak has managed to festoon his campaign with many of the trappings of western democratic campaigning--such as media outreach, stump speeches, and rallies--while at the same time avoiding the riskier kinds of events--especially debates or press conferences--that might compel him to answer any tough questions.

13. (C) Mubarak closed his campaign on September 4 with a rally at Cairo's Abdin Square, where he postured as an inheritor of the tradition of nationalist resistance to occupation and foreign interference that included milestones of Egyptian history which took place at Abdin such as the Urabi Revolt against the British in 1882, the British occupation in 1942, and the Free Officers revolution of 1952. In a TV interview on the same day, Mubarak, with the magnanimity of the presumptive victor, said that he supported the right of Kifaya and others to demonstrate in the street and urged any citizens who opposed him to express their feelings through the ballot box. (Note: Mubarak did not elaborate on how citizens who have been denied the right to register to vote by Egypt's restrictive registration procedures--which closed in January, prior to his February 26 announcement about direct election of the president--should express their opposition. End note.)

14. (C) Mubarak's lead remains unassailable, in the eyes of almost all analysts and ordinary Egyptians. He has avoided gaffes and tough questions, and continues to present a presidential, if somewhat stolid and familiar, face to the Egyptian voters. The ordinary Egyptians to whom we have talked tend to hold one of two views about the president and the elections.

--Of those who plan to vote, most say they will vote for Mubarak as "the best of a bad group." These voters say that Mubarak has served for too long, that his record has been mixed (at best), and that he is unlikely to deliver on his campaign promises. They note, however, that he is a known and proven quantity who has kept Egypt stable and maintained good relations with other world leaders. The other contenders, according to this line of thinking, are unknowns who are too risky to vote for.

--Competing with the "devil-we-know" view of Mubarak is the other leading school of thought, generally held by ordinary citizens who are not registered to vote. Evidencing the political apathy that many analysts say is the result of 50 years of authoritarian rule, these disenfranchised citizens take a "why bother" attitude to the election. They argue that politics is a game only accessible to the elite, and is not something they can hope to influence.

15. (C) One other item of Mubarak miscellany: Throughout the campaign, presidential son Gamal Mubarak has been publicly silent, although at the president's rallies, Gamal has featured among the dignitaries sitting front and center. Journalists and analysts have ascribed to Gamal a key role in the campaign, a view that is supported by Gamal's association with the campaign managers and his key role as head of the NDP's policies committee. Breaking with the public silence that has been his custom during the campaign, on September 4 in Port Said, Gamal told a party conference that his father had a "realistic" platform, and that the election "will prove to the world that democracy is a fundamental aspect of modern Egypt."

Ayman Nour

16. (C) Nour has continued with his dogged pursuit of the presidency. Witnesses say that his appearances have often generated the most excitement and energy of the campaign--in contrast to the carefully scripted Mubarak events or the plodding speeches of No'man Gom'a--but it seems more likely that the enthusiasm results as much from the simple novelty of the young challenger asserting his fitness for the presidency. Nour's supporters are relatively young and technologically savvy and they have done a good job of responding in high numbers of various internet polls that have run or are running on the internet, including several Egyptian and pan-Arab sites. As a result, many of these polls show Nour running a strong second or even ahead of Mubarak. (Comment: All the usual caveats about internet polls--unscientific, self-selecting samples, etc.--must apply, but we are still intrigued by the Nour campaign's ability to upstage the Mubarak machine in this one area. End comment.)

17. (C) Nour experienced a setback to his campaign when the PEC ruled that his campaign theme song, unveiled in late August with a professionally produced video, could not be shown on TV since the song's composer had charged Nour with copyright infringement. Predictably, Nour charged that the GOE was singling him out for persecution, while Nour's critics--especially those who back Mubarak--pointed to the episode as more evidence of Nour's shady character.

18. (C) Nour's stakes in the September 7 election are particularly high. If he manages to win the race for second place, he will gain legitimacy as the leading opposition figure to Mubarak. Indeed, many analysts are suggesting the Nour's real goal is the next presidential election in 2011. In addition, a strong finish by Nour on September 7 would bolster him ahead of the planned resumption on September 25 of his postponed trial on forgery charges--which Nour and other GOE critics have argued is driven primarily by the NDP's political agenda.

No'man Goma'a: I am not a GOE Puppet

19. (C) Goma'a's final campaign event, in keeping with the lack of energy and negativity that has characterized much of his campaign, was a press conference on September 4 in which he spent considerable time denying the persistent rumors that he entered the presidential race only after promises/pressure from the GOE. (Note: Gom'a's last minute entry into the race, after hints that he favored a Wafd party boycott of the poll, has prompted speculation that the GOE would prefer that Gom'a and the Wafd emerge from the 2005 election season as Egypt's leading opposition. According to this line of reasoning, a Wafd-dominated opposition would be relatively pliable and predictable. By contrast, the Ghad, with Nour's charisma and commitment to challenge the ruling system, is seen as more of a threat. End note.)

The Judges Decide

110. (C) The Judges Club of Cairo announced on September 2 that its membership had collectively agreed to participate in supervising the election, but with the caveat that the judges could not guarantee that the polls would be free, fair, and transparent unless the PEC undertook at least three major changes to planned procedures, including:

--admitting domestic monitors to the polling stations;

--allowing the judges in individual polling stations to release preliminary vote counts not only to the central collection point in Cairo, but also to the party/candidate agents in each polling station;

--revising the assignments of judges for the election so as to place the most senior (and most independent) judges in the positions of greatest responsibility.

11. (C) Regarding the third point, many judges and observers agree that the PEC has sought to sideline the most independent judges, either by appointing them to relatively junior supervisory jobs or by eliminating their names altogether from the supervisory lists. In a conversation with poloff on September 2, however, two senior judges with close links to the Ministry of Justice's Supreme Judicial Council argued that the assignments made by the PEC were not the result of malign PEC intent, but rather were an example of "typical Egyptian chaos."

12. (C) The Judges' Club decision to participate in supervising the elections in some ways was a climb down from their May threat to boycott unless the GOE provided legal and financial guarantees of independence, which it refused to do. The GOE was ready to use a cadre of lower level Ministry of Justice employees, including junior prosecutors and administrative staff, to serve as electoral supervisors. It appears that the Judges' Club membership calculated that a boycott would leave them with little direct information about the polls, while at the same time allowing the GOE to assert that its "judges" had effectively supervised the polls. With their agreement to supervise, but with the caveat that they cannot vouch for the poll's integrity unless the GOE follows their three recommendations, the judges have preserved their central role in determining the integrity of the election.

----- State Council Administrative Court Rushes In -----

13. (C) On September 3, the State Council Administrative Court issued several notable rulings in election-related lawsuits. In the first decision, the Court disqualified opposition candidate Wahid al-Uqsuri on the grounds that his leadership of the Egypt Arab Socialist Party was contested. The PEC immediately announced that Uqsuri, who has the odd distinction of being both a socialist and a successful businessman, remained eligible. The PEC affirmed its control of all matters pertaining to the presidential election eligibility and conduct, and announced that it would disregard the Administrative Court's ruling.

14. (C) More significantly, the Court ruled in favor of the NGO coalitions who had sued the PEC to admit domestic monitors to the polling stations. The PEC's announcement that only judges, voters, poll workers, and candidate agents would be allowed to enter the polling stations prompted the domestic civil society groups who hope to monitor the election (including several funded by USAID) to sue the PEC to gain access. The PEC responded to the decision by insisting that it would disregard the court order.

----- Where the Higher Courts Will Fear to Tread? -----

15. (C) The PEC does seem to have the letter of the law on its side. The law governing presidential elections clearly states that with the exception of criminal acts "in flagrante delicto," the PEC is immune from review and challenge and indeed is the sole authority for determining any appeals against its own decision (Article 36 of Law 174/2005). (Comment: The creation of an imperial PEC, which is completely independent on paper, but widely believed to answer to the highest powers of the presidency, is likely to remain a major point of contention. End comment.)

----- Kifaya: The Mice Plan to Roar Some More -----

16. (C) In a September 4 press conference, Kifaya leaders announced that they would continue their struggle against the dominance of President Mubarak and his family, and that they, along with other opposition groups, would form a "unified list" of opposition candidates to run against the NDP in the coming parliamentary elections. Kifaya also plans to form a shadow government and parliament, and to increase its demonstrations and other activities to spread its message to all governorates in Egypt. Kifaya has also announced a major demonstration in Tahrir Square to start at noon on election day. The security forces, which demonstrated notable restraint in the last Kifaya demonstration in late August, are unlikely to allow the Tahrir demonstration to become a

magnet for protestors. This event will receive considerable scrutiny since there are elements in Kifaya that would welcome a clash with the security forces.

Comment: It Ain't Gonna Be Over Even When the Big Man Wins

¶17. (C) Negad El Borai (protect), a lawyer and leader of one of the domestic monitoring coalitions, argued that regardless of how Mubarak wins this election, he will emerge as a weaker president. If the GOE resorts to ballot rigging and other illegitimate means to win the election, the truth will get out, and thereby weaken Mubarak in his final term. Alternatively, if Mubarak and the regime take a chance on a free and fair process, the likely low turnout for Mubarak, and the emergence of an opposition with some electoral legitimacy will set the stage for future democratic progress.

¶18. (C) In addition, the conflict between the judges--embodied by the pro-Government Mamdouh Marai who presides over the PEC and the independent-minded Zakaria Abdel Aziz of the Cairo Judges Club--about the supervision and monitoring of the presidential election will almost certainly spill over into the debate about the conduct of the coming parliamentary elections. The high stakes of the parliamentary elections may mean that the judges' battle is only beginning. In his public remarks on September 2, Zakaria Abdel Aziz invoked the specter of a Ukraine-style showdown between the GOE and outraged protestors. Other GOE critics, including Kifaya, would like nothing less than to orchestrate in Tahrir Square a popular rejection of the election result. We see no evidence to suggest that such an initiative will gain significant support, but we are also confident that Egypt's emboldened opposition will try to capitalize on any appearance of electoral impropriety as they continue their struggle for democracy. End comment.

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